

REMARKS

Claims 1, 2, 6, 7, 9-11, 13, 17, 18, 22, 23, 25, 26, and 28 are amended. Claims 8, 12, and 24 are canceled. Claims 1-7, 9-11, 13-23, and 25-28 are pending in the application. The amendments as indicated herein do not add any new matter to this application.

OBJECTIONS

The Office Action objected to certain portions of the specification. These portions have been amended to remedy the errors contained therein. Withdrawal of the objections to the specification is requested.

The Office Action objected to Claims 2 and 11 for containing repeated words. These claims have been amended to eliminate the repetition. Withdrawal of the objections to Claims 2 and 11 is requested.

SUMMARY OF THE REJECTIONS

Claims 1-28 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8, 17, and 24-27 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gai et al., U.S. Patent No. 6,651,096 ("Gai").

Claims 9-11 and 14-16 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lakshman et al., U.S. Patent No. 6,289,013 ("Lakshman").

Claims 2-7, 12, 13, 18-23, and 28 appear to have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gai in view of Lakshman, although anomalies in the Office Action make this unclear.

THE REJECTIONS NOT BASED ON THE PRIOR ART

All of the claims that recited the phrases “one or more” or “two or more” have been amended so that those claims no longer recite those phrases. Therefore, withdrawal of the rejections of Claims 1-7, 9-11, 13-23, and 25-28 under 35 USC § 112, second paragraph, is requested.

Claims 8, 12, and 24 have been cancelled, thereby rendering the rejections of Claims 8, 12, and 24 under 35 USC § 112, second paragraph, moot.

THE REJECTIONS BASED ON THE ALLEGED PRIOR ART

Claims 1, 8, 17, and 24-27

Claims 8 and 24 have been canceled, thereby rendering the rejections of those claims under 35 USC § 102(e) moot.

Claim 1 recites, *inter alia*, “programmatically determining whether a first access control list is functionally equivalent to a second access control list in order to configure the security policy on the network by **determining whether each first sub-entry in the first access control list is equivalent to at least one of the second sub-entries.**”

The Office Action alleged that this feature is disclosed in Gai, col. 10, lines 24-41. This portion of Gai reads:

The ACL converter 424 next proceeds to build a BDD representation for the entire ACL (e.g., ACL 101) by merging the BDDs generated for the individual ACEs (e.g., ACEs 502-514). FIG. 7 is a flow diagram of the steps performed by the ACL converter 424 to merge the ACEs of a given ACL into a single BDD

representation. The process preferably begins at start block 702. First, the boolean manipulation engine 428 initializes a selected function, F, to zero, as indicated at block 704. The function F simply represents a boolean function that, at the end of the process, will represent the subject ACL (e.g., ACL 416a) in BDD format. As indicated at block 706, the boolean manipulation engine 428 then "pops" the BDD representation for the ACE statement from the top of the stack generated in connection with the steps of FIG. 6.

There does not appear to be any discussion in the above text concerning determining whether an entry in **one** (the "first") access control list (ACL) is equivalent to at least one entry in **another** (the "second") ACL. Instead, the above text seems to discuss converting a **single** ACL into a BDD representation of that ACL. There does not appear to be any **equivalence determination** involved in the process disclosed within the above text. There appears to be only **one** ACL involved in the process disclosed within the above text.

Thus, there is at least one feature of Claim 1 that the cited portions of Gai fail to disclose. For at least the reasons discussed above, it is respectfully submitted that Claim 1 is patentable over Gai.

Claim 17 recites a computer-readable medium that carries instructions for performing the method of Claim 1. Therefore, for at least the reasons discussed above with relation to Claim 1, it is respectfully submitted that Claim 17 is patentable over Gai.

Claim 25 recites a computer system that comprises means for performing the method of Claim 1. Therefore, for at least the reasons discussed above with relation to Claim 1, it is respectfully submitted that Claim 25 is patentable over Gai.

Claim 26 recites a policy server that comprises a memory that comprises instructions which, when executed by a processor, cause the processor to carry out the method of Claim 1. Therefore, for at least the reasons discussed above with relation to Claim 1, it is respectfully submitted that Claim 26 is patentable over Gai.

Claim 27 depends from Claim 26 and therefore includes the features of Claim 26 that are distinguished from Gai above. Therefore, for at least the reasons discussed above with relation to Claim 26, it is respectfully submitted that Claim 27 is patentable over Gai.

Claims 9-11 and 14-16

Claim 9 has been amended to contain all of the features formerly recited in Claim 12. The Office Action admitted that Lakshman does not disclose at least one of the features formerly recited in Claim 12. Therefore, Claim 9, as amended, is patentable over Lakshman under 35 USC § 102(e).

Claims 10, 11, and 14-16 depend from Claim 9 and therefore include the features of Claim 9 that are distinguished from Lakshman above. Therefore, Claims 10, 11, and 14-16 are patentable over Lakshman under 35 USC § 102(e).

Claims 2-7, 12, 13, 18-23, and 28

Claim 12 has been canceled, thereby rendering the rejection of Claim 12 under 35 USC § 103 moot.

The Office Action is confusing. At the top of page 10, the Office Action states that Claims 2-7 and 18-23 are rejected based on a combination of Gai and Lakshman. However, a few lines below that, the Office Action begins discussing how yet another reference, “Jiang,” allegedly discloses features of Claims 2, 18, and 28 that Gai fails to disclose. There is no allegation that Lakshman discloses the features of Claims 2, 18, and 28 that Gai admittedly fails to disclose. Finally, the Office Action concludes that it would have been obvious to combine Gai and Lakshman, with no mention of Jiang whatsoever. It will be assumed that the Office Action meant “Lakshman” wherever the Office Action says “Jiang.”

Claims 2-7 depend from Claim 1 and therefore include the features of Claim 1 that are distinguished from Gai above. The Office Action does not even allege that Lakshman teaches or suggests these features. Therefore, even if Gai and Lakshman could be combined, the combination would still fail to teach or suggest all of the features of Claims 2-7.

Additionally, 35 U.S.C. 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The priority date of this application is January 11, 2002. Gai was patented on November 18, 2003. Gai cannot qualify as prior art under subsections (a) or (b) of 35 U.S.C. 102 because Gai was not patented before the priority date of the present application. Therefore, Gai could only allegedly qualify as prior art under subsection (e) of 35 U.S.C. 102. At the time the claimed invention of the present application was made, both Gai and the claimed invention were owned or subject to an obligation of assignment to Cisco Technology, Inc. As evidence of this fact, an assignment, assigning to Cisco Technology, Inc. all rights to the inventions disclosed in the present application, was filed with the present application on January 11, 2002. Therefore, under 35 U.S.C. 103(c), Gai cannot preclude patentability of the present application under 35 U.S.C. 103(a).

Because Gai cannot preclude patentability of the present application under 35 U.S.C. 103(a), Claims 2-7, 13, and 28 are patentable over Gai in view of Lakshman (and Jiang and any other reference too, for that matter).

Claims 18-23 recite computer-readable media that carry instructions for performing the methods of Claims 2-7, respectively. Therefore, for at least the reasons discussed above with

relation to Claims 2-7, it is respectfully submitted that Claims 18-23 are patentable over Gai in view of Lakshman.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.


The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: August 25, 2005



Christian A. Nicholes
Reg. No. 50,266

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on August 25, 2005

by

